

REMARKS

Applicants note that after the above amendments, claims 1-6, 8-13 and 23-24 (14 total claims, 3 independent claims) remain pending in the Application. Applicants respectfully request reconsideration in light of the above cancellation of claims 7 and 14-22 and the following remarks.

Objections to the Drawings

In the June 3, 2004 Office Action, the drawings are objected to as not showing every feature specified in the claims, particularly asserting that “needle-punched” as recited in claims 7 and 14 must be shown in the drawings or canceled from the claims. In order to expedite prosecution, Applicants have canceled claims 7 and 14, obviating any objections to the drawings. Applicants therefore request the withdrawal of the foregoing objection.

§102 Rejections

In the June 3, 2004 Office Action, claims 1-5, 8-12, 15, 17, 21, 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Denen et al. (U.S. Patent No. 6,296,196) stating Denen discloses an emanator comprising a first material 32 and a second material 32 adjacent the first material further citing col. 6, ll. 16 for support for nylon and polypropylene materials. Applicants traverse.

First, Applicants note that claims 7 and 14-22 have been canceled, obviating any rejections to these claims. Further, Applicants note that Denen does not disclose a first and a second material adjacent to (or in contact with) the first material. Notably, the specification of Denen discloses the contrary, stating a preferred form of the wick is a nylon chenille yarn that is bent back on itself. (col. 6, ll. 16-18). Clearly two distinct materials are not disclosed. In contrast, each of the rejected independent claims (1, 9 and 23) recite a first material and a second material as two distinct elements.

Moreover, each of the above-noted independent claims recite specific limitations relating to the overall transfer rates of liquid through the emanator. For example:

Claim 1

a first material; and
a second material that is disposed adjacent to said first material;
wherein the emanator is configured such that a liquid travels through the emanator at a rate no less than a rate at which it would travel through said first material alone and no less than a rate at which it would travel through said second material alone.

Claim 9

an emanator in fluid communication with said source of said liquid fragrance,
said emanator comprising:

a first material through which said liquid fragrance has a first travel rate; and

a second material through which said liquid fragrance has a second travel rate,

said second material contacting said first material;

wherein the emanator is configured such that said liquid fragrance has a third travel rate through the emanator, said third travel rate no less than said first travel rate and said second travel rate.

Claim 23

an emanator in contact with said source of said liquid fragrance, said emanator comprising:

a first material; and

a second material contacting said first material;

wherein the emanator is configured such that said liquid fragrance travels through said emanator at a rate no less than a rate at which it would travel through said first material alone and no less than a rate at which it would travel through said second material alone.

Stated otherwise, specifically selecting a configuration of the emanator with first and second materials creates a synergy resulting in the same or faster transfer rate, through the emanator, than of the faster rate through either of the first or second materials, that is nowhere recognized in the cited art. Applicants note that there is no such disclosure, nor even an inherency in Denen, as such matter is not present or even probably (or possibly) present.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claims 1, 9 and 23. Likewise, as claims 2-6, 8, 10-13 and 24 variously depend from claims 1, 9 and 23, Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of these claims as well.

§103 Rejections

In the June 3, 2004 Office Action, claims 1, 6, 9 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Harkenrider et al. (U.S. Patent No. 2,943,378) in view of Denen stating Harkenrider discloses an emanator comprising a first material and a second material, but not the use of nylon and polypropylene. However, the Office Action states that it would have been obvious to one skilled in the art to have used nylon and polypropylene as taught in Denen. Additionally, in the June 3,

2004 Office Action, claims 1, 7, 9 and 14 stand rejected under 35 U.S.C. §103 as being unpatentable over Harkenrider in view of Clifford (U.S. Patent No. 4,653,295) stating Harkenrider discloses an emanator comprising a first material and a second material as well as laminating the materials, but does not describe needle punching. However, the Office Action states Clifford discloses numerous means of producing textile materials, including needle punching and that it would have been obvious to one skilled in the art to needle punch the materials of Harkenrider as taught by Clifford.

For the reasons described above and below, Applicants traverse.

First, again, claims 7 and 14 have been canceled, obviating any rejections of these claims. Moreover, while Harkenrider arguably discloses selection of two different materials (e.g., a fine fiber and a coarser fiber) with the object of lifting a sufficient amount of a lubricating oil a sufficient distance along a wick, Harkenrider makes no mention of the actual rate of transfer of a liquid along a wick. Stated otherwise, Harkenrider makes no mention of the speed of liquid transfer, let alone the relation of the total speed of transfer through the wick (emanator) as a whole, relative to the transfer rates of the materials used in connection with the wick.

In contrast, as noted above, independent claims 1 and 9 recite, respectively:

a liquid travels through the emanator at a rate no less than a rate at which it would travel through said first material alone and no less than a rate at which it would travel through said second material alone

and

wherein the emanator is configured such that said liquid fragrance has a third travel rate through the emanator, said third travel rate no less than said first travel rate and said second travel rate.

Accordingly, none of Denen, Harkenrider, or Clifford, alone or in combination, teach each and every element of claims 1 or 9. Moreover, Applicants note that certain limitations are not even inherently, possibly or probably, present. Most notably, specifically selecting a configuration of the emanator using first and second materials to create a synergy with respect to the emanator's transfer rate, is nowhere recognized in the cited art. As such, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejection of claims 1 and 9. Likewise, as claims 2-6, 8 and 10-13 variously depend from claims 1 and 9, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejection of these claims as well.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims 1-6, 8-13 and 23-24 properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

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Respectfully submitted,

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